



*CrI.O.P(MD)No.4373 of 2020*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 08.12.2023

CORAM

**THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN**

**CrI.O.P(MD)No.4373 of 2020**

**and**

**CrI.M.P(MD)No.2465 of 2020**

Ramachandran @ Ayyappan

.. Petitioner/Accused No.1

Vs.

1. State rep. by,  
The Inspector of Police,  
Central Crime Station,  
Kanyakumari District.  
(in Crime No.551 of 2008)

.. 1<sup>st</sup> Respondent/Complainant

2. Amko Jamboard

.. 2<sup>nd</sup> Respondent/  
Defacto Complainant

**PRAYER:** Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records pertaining to the Charge Sheet in C.C.No.304 of 2018 on the file of the learned Judicial Magistrate No.II, Nagercoil in Crime No.551 of 2008 on the file of the 1<sup>st</sup> Respondent Police u/s.392 of IPC dated 14.11.2008 and quash the same in respect of the petitioner as



*CrI.O.P(MD)No.4373 of 2020*

illegal.

For Petitioner : Mr.G.Anto Prince  
For Respondents : Mr.M.Muthumanikkam  
Government Advocate(Crl.Side)  
for R1  
: Mr.S.Sureshkumar for R2

### **ORDER**

The petitioner is the first accused in Crime No.551 of 2008 filed this petition before this Court to quash the Charge Sheet in C.C.No.304 of 2018 on the file of the learned Judicial Magistrate No.II, Nagercoil.

2. During the course of hearing, it is brought to the knowledge of this Court that among the three accused in this case, one of the accused is not available in India. Further, in view of the pendency of the case from 2008 onwards, the learned counsel for the petitioner made a submission to direct the learned trial Judge to expedite the trial and also he seeks permission to raise all the points before the trial Court.



*Cr.I.O.P(MD)No.4373 of 2020*

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3. In view of the specific plea made by the learned counsel for the petitioner and also considering the fact that the crime number is pending from the year 2008 onwards, this Court called for report from the learned Judicial Magistrate No.II, Nagercoil. The learned Magistrate also submitted a report stating that one of the accused has not been appeared regularly and the service of summons also pending against him. Earlier NBW was issued and the same was recalled. Thereafter, the case was transferred to the learned Judicial Magistrate No.II, Nagercoil and again summons are served.

4. From the report, it is clear that the petitioner herein is continuously appearing before the Court below from 28.10.2013 onwards. Hence, this Court is inclined to accept the request of the petitioner.

5. Accordingly, this Criminal Original Petition is disposed of with the following directions:

“The learned Judicial Magistrate No.II, Nagercoil, is  
hereby directed to split up the case in C.C.No.304 of 2018 as

Page 3 of 6



*CrI.O.P(MD)No.4373 of 2020*

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against the petitioner and the other remaining available accused and conduct the trial and complete the same within a period of three months from the date of receipt of a copy of this order by following the procedure stated in the Criminal Rules of Practice.”

Consequently, connected miscellaneous petition is closed.

**08.12.2023**

NCC:Yes/No  
Index:Yes/No  
Internet:Yes/No

PJL

To

1. The Judicial Magistrate No.II,  
Nagercoil.

2. The Inspector of Police,  
Central Crime Station,  
Kanyakumari District.

Page 4 of 6



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*CrI.O.P(MD)No.4373 of 2020*

3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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*CrI.O.P(MD)No.4373 of 2020*

**K.K.RAMAKRISHNAN,J.**

PJL

**CrI.O.P(MD)No.4373 of 2020  
and  
CrI.M.P(MD)No.2465 of 2020**

**08.12.2023**

Page 6 of 6